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8 Attorney for Defendant AVIVA LIFE AND
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 EDWIN B. CARTON, *et al.*,

13 Plaintiffs,

14 vs.

15 B & B EQUITIES GROUP, LLC, *et al.*,

16 Defendants.

CASE NO: 2:11-CV-00746-RCJ-PAL

**JOINT MOTION TO EXTEND THE
DEADLINE TO PRODUCE
SETTLEMENT DOCUMENTS AND
FILE MOTIONS FOR GOOD FAITH
SETTLEMENT DETERMINATION**

DATE: N/A

TIME: N/A

17
18 Plaintiffs Edwin B. Carton; Lonnie C. Carton; Kenneth Huntley II, LLC; Kenneth Huntley
19 IV, LLC; Leon Dean II, LLC; Gloria Diaz II, LLC; Thomas Colbert V, LLC; Wanda Dean II, LLC;
20 Samuel Diggle II, LLC (collectively "Plaintiffs"); Defendant Aviva Life and Annuity Company
21 ("Aviva") and Defendant American General Life Insurance Company ("American General")
22 (collectively, the "Parties"), by and through their attorneys, hereby submit this Joint Motion to
23 Extend the Deadline to Produce Settlement Documents and File Motions For Good Faith Settlement
24 Determinations, as well as the corresponding calendar call and trial date, stating as follows:

25 1. As noted previously, Plaintiffs have reached separate settlement agreements with
26 Aviva and American General, respectively. The respective settlement papers have been finalized and
27 are awaiting execution. Upon execution, Aviva and American General will file motions for good
28 faith settlement determinations.

1 2. On March 26, 2014, the Court entered a Minute Order scheduling the deadline to
2 produce settlement documents and file motions for good faith settlement determinations as May 27,
3 2014. *See* Doc. 286. The Court further set the trial of this matter for June 16, 2014. *Id.*

4 3. The Parties are still awaiting approval of Plaintiff Lonnie C. Carton's appointment as
5 special administrator of the Estate of Edwin B. Carton, which must occur before Ms. Carton can
6 execute the settlement documents. This approval is pending before the Honorable Patricia Gorman
7 of the Middlesex County Probate and Family Court in Cambridge, Massachusetts. The parties are
8 informed that the petition is before the Judge for final stages of review. Although the Court Clerk
9 could not give a deadline, she estimates that the petition will be approved shortly and could be
10 delivered to Mrs. Carton as early as next week (week of May 26, 2014). However, it is possible that
11 approval will not be received until after the May 27, 2014 deadline to file motions for good faith
12 settlement determinations.

13 4. In light of the impending May 27, 2014 deadline, the Parties jointly file this Motion to
14 Extend the Deadline to Produce Settlement Documents and File Motions for Good Faith Settlement
15 Determinations and the corresponding trial date and calendar call by sixty days. The Parties expect
16 that within the expiration of sixty days, the probate proceedings will have concluded, all settlement
17 papers will have been executed, and all motions for good faith settlement determinations will have
18 been filed.

19 5. If granted, the deadline to produce settlement documents and file motions for good
20 faith settlement determinations would be set for July 28, 2014. The Parties respectfully request that
21 the trial of this matter and the corresponding calendar call be continued until dates subsequent to July
22 28, 2014.

23 6. Plaintiffs further represent that Aviva and American General are the only defendants
24 remaining in this case that are not in default. *See* Motion for Default Judgment [Doc 291] filed on
25 April 25, 2014 and Stipulations for Dismissal with Prejudice [Docs. 292, 295, & 296] filed on May
26 19, 2014.

27 WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Court
28 extend the deadline to produce settlement documents and file motions for good faith settlement

determinations, as well as the corresponding trial date, by sixty (60) days.

Dated: This 20th day of May, 2014.

Attorneys for Plaintiffs

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By: /s/ Wesley J. Smith

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Nevada Bar No. 11871

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-and-

EDISON, MCDOWELL & HETHERINGTON, LLP

By: /s/ David T. McDowell

David T. McDowell, Esq.*

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**admitted pro hac vice*

Attorneys for Aviva Life and Annuity Company

MAYNARD COOPER & GALE, P.C.

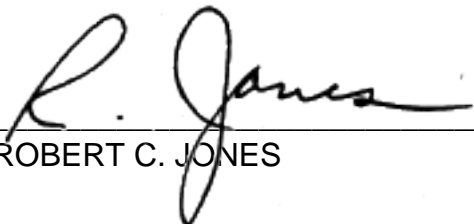
By: J. Ethan McDaniel

J. Ethan McDaniel, Esq.

**admitted pro hac vice*

ORDER

IT IS SO ORDERED this 2nd day of June, 2014.



ROBERT C. JONES